

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 5592 of 2003

For Approval and Signature:

HON'BLE MR.JUSTICE R.P.DHOLAKIA

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

GIRISH A SANGHVI

Versus

RAJESHBHAI PRAVINBHAI BRAHAMBHATT

Appearance:

1. Criminal Misc.Application No. 5592 of 2003
MR BB NAIK for Petitioner No. 1
MS SAMIRA S SHAH for Respondent No. 1
MR RC KODEKAR, APP for Respondent No. 2

CORAM : HON'BLE MR.JUSTICE R.P.DHOLAKIA

Date of decision: 13/10/2003

C.A.V. JUDGEMENT

#. Mr.B.B.Naik, learned counsel for the petitioner, Ms.Samira S.Shah, learned counsel for respondent No.1 and Mr.R.C.Kodekar, learned APP for the respondent State are present. Learned counsel for the petitioner as well as learned counsel for the respondent complainant has made a statement at bar that the matter between the parties has been settled outside the Court. For that purpose, they have produced notarized xerox copy of the consent terms at Annexure-D page 33, wherein it has been specifically mentioned at page 37 that it was agreed between the parties that the complaint, which has been filed by the complainant against the present petitioner into Kalol Taluka Police Station, will be withdrawn. Over and above, they have also drawn my attention towards two statements recorded by the Investigating Officer dated 17.1.1999 of Ali Akbar @ Pappu Noor Mohamed Saiyed and Dilipkumar Abdul Hamid Malik. It has been established from the above referred two statements that the payment has been made to the above referred two witnesses by the present petitioner. Realising the aforesaid position, the matter has been settled between the parties as per Annexure-D in the compilation, which has been admitted by the respondent complainant also. Over and above, Mr.Naik has placed reliance on the decision in the case of B.S.Joshi and others Vs. State of Haryana and another, reported in 2003 SCC (Cri) 848.

#. Under these circumstances and looking to the facts and circumstances of the case, the complaint in question qua the petitioner is required to be quashed and set aside and accordingly the same is quashed and set aside. Rule is made absolute to the aforesaid extent.

(R.P.Dholakia, J)
(pathan)